(*g*) words and expressions which are defined in the [1] Code of Criminal Procedure, 1882, have the same meaning as in that Code. X of 1882.

CHAPTER II.

ORGANIZATION OF THE POLICE.

General.

Police force to be entertained in each district.

4. In each district of the Presidency of Bombay to which this Act extends, Government may, subject [2][in the case of officers of the Indian Police of and above the rank of Assistant Superintendent] to the control of the Governor General in Council, establish and entertain a police-force of such number in the several ranks and having such an organization and such duties, rights and authority as are hereinafter prescribed and provided for, and receiving such salaries and allowances as shall from time to time be directed and approved by [3][Government].

Appointment and authority of Inspector-General of Police,

5. (*1*) For the direction and supervision of the police-force of every portion of the presidency to which this Act extends, Government shall appoint an Inspector-General of Police, who shall have such functions, authority and responsibility as are hereinafter provided, subject to the provisions of this Act, and to such rules and orders as may be made by Government in this behalf.

and of Deputy Inspector-General.

(*2*) [4] * * * Government may appoint one or more Deputy Inspectors-General of Police, to whom Government may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to Government seem expedient.

Their suspension or removal.

(*3*) The Inspector-General and Deputy Inspector-General may be suspended or removed from office by Government.

Appointment of District, Additional, Assistant and Deputy Superintendents.

6. Government may appoint[5] for each district a Superintendent [6][an Additional Superintendent] and such Assistant [7][and Deputy] Superintendents of Police as it may think expedient, and may dismiss, suspend, reduce, remove or transfer any of such officers as it may think fit.

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[1] *See* now Act 5 of 1898, General Acts, Vol. V.

[2] These words were inserted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[3] This word was substituted for the words "the authorities aforesaid" by *ibid.*

[4] The words "Subject to the previous approval of the Governor General in Council," were omitted by *ibid.*

[5] For notification appointing a District Superintendent of Police for Aden, *see* Bombay Local Rules and Orders. The notification does not appear, however, to have been issued under the power conferred by s. 6, but as an executive order by the Governor in Council. The Act has not been extended to Aden.

[6] These words were inserted by s. 3 (*a*) of the Bombay District Police (Amendment) Act, 1920 (Bom. Act 12 of 1920), Vol. V of this Code.

[7] These words were inserted by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1910 (Bom. Act 1 of 1910), Vol. V of this Code.

[1] [An additional Superintendent of Police may, by a general or special order of Government, be empowered to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers and duties under this Act of a Superintendent of Police.]

Commissioners and Inspector-General to have magisterial powers; to exercise them subject to such limitations as are imposed by Government.

7. Each Commissioner throughout the districts under his control, and the Inspector-General of Police throughout the presidency, shall have the powers of a Magistrate of the first class, but shall exercise such powers subject to such limitation as may from time to time be imposed by Government.

Appointment of inspectors, sub-inspectors and sergeants.

8. The Inspector-General may, subject to the rules and orders of Government, appoint such inspectors [2] [sub-inspectors and sergeants] as shall be necessary for the service of each district.

Appointment of police-officers of the grades of head-constable and constable.

9. Police-officers [3] [of the grades of head-constable and constable] shall be appointed in each district by the District Superintendent, subject to such rules as to sanction, designations, mutual relations and conditions of service as, consistently with the law at the time in force, Government may from time to time prescribe.

Certificates of appointment to be given to inspectors, sub-inspectors or sergeants.

10. An inspector [4] [a sub-inspector or a sergeant] shall, on appointment, receive from the Inspector-General a certificate of appointment containing particulars of his race, name, age, caste or religion and of his previous service, if any.

Certificates of office to be given to police-officers of the grade of head-constable and constable.

11. [5][(*1*) Every police-officer of the grade of head-constable and constable shall on enrolment receive a certificate in the form of Schedule B, which shall be issued under the seal of the District Superintendent, or, in the case of police-officers in the Criminal Investigation Department, under the seal of the Deputy Inspector-General, Criminal Investigation Department.]

Powers, etc., of persons appointed as aforesaid.

(*2*) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a police-officer.

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[1] This paragraph was added by s. 3 (*b*) of the Bombay District Police (Amendment) Act, 1920 (Bom. Act 12 of 1920), Vol. V of this Code.

[2] These words were inserted by s. 1 of the Bombay District Police (Amendment) Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

[3] These words were substituted for the words "below the grade of Inspector" by s. 2 *ibid.*

[4] These words were inserted by s. 2 and 1st Sch. of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[5] This sub-section was substituted by *ibid.*

(3) (*a*) Every certificate of appointment shall become null and void whenever the person named therein for any reason ceases to belong to the police. Such certificates when to become null and void.

(*b*) The powers, functions and privileges vested in a police-officer shall be temporarily suspended whilst such police-officer is suspended from office. Temporary suspension of powers, etc., of police-officers.

Such police-officer shall not by reason of such suspension cease to be a police-officer, but shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.

12. The District Superintendent shall, subject to the orders of the Inspector-General and of the Magistrate of the district, within their several spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding and all matters of executive detail in the fulfilment of their duties by the police-force of his district. General powers of District Superintendent.

13. (*1*) The District Superintendent and the police-force of a district shall be under the command and control of the Magistrate of the district. Control by Magistrate of the district, subject to rules and orders of Government and lawful orders of the Commissioner.

(2) In exercising authority under the preceding sub-section, the Magistrate of the district shall be governed by such rules and orders as Government may from time to time make in this behalf, and shall be subject to the lawful orders of the Commissioner.

(3) The Inspector-General shall be bound, in the rules and orders issued by him under this Act, to give furtherance to the purposes of sub-section (*1*). Inspector-General in issuing rules and orders, to give furtherance to purposes of sub-section (*1*).

14. If the Magistrate of the district considers that there is, or on any particular occasion will be, pressing need for a police-force that cannot be furnished by his own district, he shall communicate with the Inspector-General, who shall, as far as possible, and subject to the orders of Government, comply with the requisitions of the Magistrate of the district. Additional police-force to be furnished to any district by the Inspector-General on requisition of District Magistrate.

15. The Magistrate of the district may require from the District Superintendent reports, either particular or general, on any matter connected with crimes, the condition of the criminal classes, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the police-force, [1][the conduct and character of any police-officer subordinate to the District Superintendent,] the utilization of auxiliary means and all other matters in furtherance of his control of the police-force and the maintenance of order. District Superintendent may be required by District Magistrate to furnish reports.

[1] These words were inserted by s. 3 of the Bombay District Police (Amendment) Act, 1913 (Bom. Act 4 of 1912), Vol. V of this Code.

District Magistrate's general powers of supervising the police-force of his district.

16. If the Magistrate of the district observes marked incompetence, or unfitness for the locality or for his particular duties, in any officer subordinate to the District Superintendent, he may call on the Superintendent to substitute another officer for any officer whom he has power to remove and the Superintendent shall be bound to comply with such requisition. In the case of an Inspector or officer of higher grade, the Magistrate of the district may communicate with the Inspector-General, who shall thereon determine the measures to be taken with careful attention to the views of the Magistrate of the district and shall inform him of the orders he may issue.

Power of Commissioner to issue directions in respect of police-force.

17. (*1*) A Commissioner may make any order with respect to the police-force in any district within the division subject to his authority, which the Magistrate of the district might make, and any order which he may be authorized to make by any rule lawfully made by Government under the provisions of this Act or other law in force, and may also in case of emergency direct any portion of such force appointed for one district to be employed in any other district in such division.

Such direction ordinarily to be to the District Magistrate and to be communicated to the Inspector-General.

(2) An order under sub-section (*1*) shall ordinarily be directed to the Magistrate of the district concerned, but may when necessary be addressed directly to the District Superintendent, in which case it shall be communicated to the Magistrate of the district. The order shall in each case be communicated by the Commissioner to the Inspector-General.

Commissioner may call Inspector-General's attention to defects in the police of his division which shall be remedied.

18. In such matters falling under his observation as lie within the sphere of authority of the Inspector-General, a Commissioner may call the Inspector-General's attention to defects of system or of personal competence in the police of any portion of the division subject to his authority. It shall be incumbent on the Inspector-General in every such case to remedy defects, and to remove causes of complaint and to conform to the requests of the Commissioner where the same shall be lawful and consistent with the orders of Government and other lawful commands, requests and instructions. He shall communicate the steps taken by him to the Commissioner.

Commissioner may call on District Magistrate for reports on state of crime, etc., and issue

19. A Commissioner may call on the Magistrate of a district for such reports and information connected with the state of crime in his district and with the distribution of the police therein and on the arrangements for repressing offences and disorder as he may think necessary, as a means towards the good administration of the division subject to his authority, and may thereon issue such orders as shall be conformable to law. Every such order

shall be directed to the Magistrate of the district and shall be communicated to the Inspector-General. orders thereon.

20. [1][The Inspector-General] shall, subject to the orders of Government, have authority to investigate and regulate all matters of account connected with the police [2]**** subject to his authority, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations, and to conform to his lawful orders consequent thereon. The Inspector-General may investigate and regulate all matters of police accounts.

Special.

21. (*1*) Whenever it shall appear to a Magistrate of the second class or of higher rank having jurisdiction at a town or place, that any unlawful assembly, riot or other disturbance of the peace has taken place or is reasonably apprehended and that the available police-force is not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property in the local area in which such unlawful assembly, riot or other disturbance has taken place or is apprehended, such Magistrate may, on the application of any police-officer not lower in rank than a [3] [sub-inspector] by a written order signed by himself and sealed with his official seal appoint to be special police-officers for such time and within such limits as he shall think necessary so many persons fit and willing to act as such officers as he shall think proper. Appointment of special police-officers.

(*2*) Every special police-officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police-officer; but it shall not be necessary for him to receive a certificate of office under section 11. Powers and responsibilities of special police-officers.

Additional.

22. (*1*) Any District Superintendent, on the application of any person showing the necessity therefor, may depute any additional number of police to keep the peace or to perform other police duties at any place within the district. Employment of additional police at request of persons showing the necessity therefor.

(*2*) Such additional police shall be employed at the charge of the person making the application, but shall be subject to the orders of the police Cost thereof.

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[1] These words were substituted for the words " A Commissioner " by s. 4 of the Bombay District Police (Amendment) Act, 1912 (Bom. Act 4 of 1912), Vol. V of this Code.

[2] The words " within the division " were repealed by *ibid.*

[3] This word was substituted for the words " chief constable " by s. 5 *ibid.*

authorities and shall be employed for such period as the District Superintendent thinks fit.

Proviso regarding relief from cost.

(*3*) Provided that, if the person upon whose application such additional police are employed shall at any time make a written requisition to the District Superintendent for the withdrawal of the said police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as the District Superintendent shall determine.

(*4*) In acting under this section the District Superintendent shall be subject to the provisions of section 13 (*1*).

Employment of additional police near large works.

23. (*1*) Whenever it shall appear to any Magistrate of a district that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place within his district, necessitates the employment of additional police at such place, such Magistrate may, with the sanction of [1] [the Commissioner], depute such additional police to the said place as he shall think fit, and keep the said police employed at such place for so long as such necessity shall appear to him to continue.

Cost thereof.

(*2*) Such additional police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, and the said person shall pay the charges therefor at such rates and at such times as the Magistrate of the district, with the sanction of [1] [the Commissioner], shall from time to time require.

Disputes as to payment of cost.

24. In case of any dispute in any case under section 22 or section 23, the decision of the Magistrate of the district shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Magistrate of the district, be levied by the Collector as if it were an arrear of land-revenue due by the person found to be answerable therefor.

Employment of additional Police in cases of special danger to the public peace.

25. (*1*) Government may, from time to time, by notification, direct the employment of additional police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police.

[1] These words were substituted for the word "Government" by s. 2 and Sch. 1 of the Bombay Decentralization Act, 1915 (Bom. Act 5 of 1915), Vol. V of this Code.

Recovery of rates and charges under sections 25 and 25A by a municipality.

26. (*1*) Every [1][tax imposed or] rate assessed under [2][the last two preceding sections] or other provision of this Act by a municipality shall be recovered by such municipality from each person answerable therefor in the same manner as a municipal tax due by him

[3][Provided always that, in default of such recovery, it shall be lawful for the Government to direct the Collector to recover such tax or rate in the manner prescribed in the following sub-section, as if it were a tax imposed or a rate assessed by him.]

By the Collector.

(*2*) Every [4][tax imposed or] rate assessed, [4][or amount recoverable] by the Collector as aforesaid shall be recoverable by the Collector as if it were an arrear of land-revenue due by the person answerable therefor.

Effect of introduction of last three sections in Sind.

[5][**26A.** On the last three preceding sections coming into force in Sind, the provisions, so far as they are inconsistent therewith, of sections 16 and 17 of the [6] Bombay District Police Act, 1867, shall be deemed to have been repealed in that Province.

Bom. Act VII of 1867.

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of the police.

27. Subject to the orders of Government, the Inspector-General may from time to time make rules or orders not inconsistent with this Act or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the police;

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[1] These words were inserted by s. 8 (*1*) (*a*) of the Bombay District Police Amendment Act, 1898 (Bom. Act 3 of 1898), Vol. IV of this Code.

[2] These words were substituted for the words "the last preceding section" by s. 8 (*1*) (*b*) *ibid.*

[3] This proviso was added by s. 8 (*1*) (*c*) *ibid.*

[4] These words were inserted by s. 8 (2) *ibid.*

[5] This section was inserted by s. 9 *ibid.*

[6] Vol. II of this Code.